REMARKS

Claims 1, 5, 12 and 18 have been amended. Claim 24 has been canceled. Claims 25 and 26 have been added.

Claims 5 and 18 have been amended to correct a spelling error. No new matter has been added.

Claim 25 has been added in order to more fully describe one aspect of the present invention. No new matter has been added. Claim 25 includes language that Examiner has indicated would be allowable in claim 1, and should be allowable for at least the same reasons as claim 1.

Claim 26 has been added in order to more fully describe one aspect of the present invention. No new matter has been added. Claim 25 includes allowable language from claim 12 and should be allowable for at least the same reasons as claim 12.

Rejections Under 35 U.S.C. 112

The Examiner has rejected claims 1-11 under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claim 1 has been corrected to address this rejection (i.e. "audio evens" has been changed to read "audio events.") Furthermore, a capitalization error has been corrected. No new matter has been added.

Examiner has indicated that claims 1-11 would be allowable if rewritten to overcome the 35 U.S.C. 112, second paragraph rejection. Applicant's respectfully request that Examiner withdraw his rejection of claims 1-11.

Rejections under 35 U.S.C. 103(a)

Krueger et al.

Examiner has rejected claims 12 and 13 under 35 U. S. C. 103(a) as being unpatentable over Krueger et al. (US patent 5,996,022).

Claim 12 has been amended to clarify the scope of one embodiment of the invention. No new matter has been added.

Examiner is asserting that the "transcoding" of files in Krueger et al. is somehow equivalent to "importing a theme" as recited in the present application.

In Krueger et al., a server receives a request for an audio file and, upon receipt, determines whether or not the file needs to be transcoded. "Transcoding," according to Krueger et al., "may include changing the audio file type, compressing the audio file, reducing the number of body of channels, or reducing the sampling rate of the data." Krueger et al., Abstract. However, the present invention is not directed towards file conversion. Specifically, referring to figure 2: " when the primary L&F 208 is changed, the Audio L&F 210 **loads the appropriate theme** for the new L&F." Page 10, lines 18-20. A "theme," as described in the present invention, includes "a first set of platform dependent audio fields, each platform dependent audio field associated with at least one audio event of a set of the audio events, wherein the theme is arranged to permit the emulation of the audio events of the first platform." Page 4, lines 14-17. In plain language, "the theme 214 may be considered a set of audio cues that map onto the audio events in the user interface." Page 10, lines 8-10. Applicants respectfully assert that a person of ordinary skill in the art would not equate "transcoding an audio file" with "importing a theme." Thus, since Krueger et al. is deficient in this regard, the fact that it does not "explicitly teach that the at least one platform dependent audio file is represented by/packaged into a corresponding field", (Office Action, page 4, lines 1-3), is not relevant.

Furthermore, in Krueger et al., the transcoding is accomplished using a **platform dependent** audio computer service. Krueger et al. makes no claim that its "proxy server," is platform independent. Krueger et al, Abstract. In fact, as understood by those skilled in the art, proxy server software generally runs only on the platform it was written to run on. In contrast, the present invention is designed to run on any platform (i.e. Macintosh, windows, UNIX, etc.) without modification, making it truly platform-independent.

Thus, Applicants respectfully submit that claims 12 and 13 are patentably distinct from the prior art for at least these reasons.

Kruger et al. and Rose

The Examiner has rejected claims 14, 16, 17, 20 and 24 under 35 U.S.C. 103(a) as being unpatentable over Krueger et al. as applied to claim 12 in view of Rose (US patent 6,085,199). However, as discussed above, Krueger et al. does not teach the unique inventive step of

SUN1P223/P3750   Page 8   09/418,772

"importing a theme corresponding to the platform dependent audio function," claim 12, line 5-6. Rose does not overcome the deficiencies of Krueger et al. since it does not discuss or contemplate "importing a theme." Thus, no reasonable combination of the two patents can be read to cover the invention as presented in the present application.
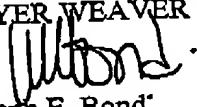
Kruger et al., Rose, and Peng

Claims 15 and 18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Krueger et al. in view of Rose as applied to claims 12 and 16 and further in view of Peng (US patent 6,128,011). However, once again Peng does not overcome the deficiencies of Krueger et al. and Rose. Peng still does not discuss or contemplate "importing a theme." Thus, no reasonable combination of the three patents can be read to cover the invention as presented in the present application.

Kruger et al., Rose, and Chow et al.

Claims 19 and 21 has been rejected under 35 U. S. C. 103(a) as being unpatentable over Krueger et al. in view of Rose as applied to claims 16 and further in view of Chow et al. (US patent 6,266,693).However, once again Chow et al. does not overcome the deficiencies of Krueger et al. and Rose. Chow et al. still does not discuss or contemplate "importing a theme." Thus, no reasonable combination of the three patents can be read to cover the invention as presented in the present application.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,
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SUN1P223/P3750

Page 9

09/418,772